

Sexual Exploitation of Children (ESN) in Costa Rica Statement by the Paniamor Foundation and ECPAT International Pre-UPR session 33 - Geneva, April 3, 2019.

Introduction

This statement is made on behalf of the Paniamor Foundation (PANIAMOR), a Costa Rican civil society organization with over 30 years of experience in the fight against all forms of violence against children, including sexual exploitation (SE); and ECPAT International (EI), a global network of CSOs working for the eradication of this heinous crime. As such, it is based on the report submitted by both organizations to the Human Rights Council (HRC) in preparation for the 33rd session of the UPR.

Situation and evolution of SEC in Costa Rica

SEC through prostitution. More than 427,000 children in Costa Rica (UNICEF, 2017) live in poverty, making them especially vulnerable to CSEC. The International Bureau for Children's Rights Report (IBCR, 2016) conveys that low awareness of child sexual abuse and exploitation, and societal tolerance of adult prostitution, have led to high levels of underreporting of SSE crimes, undermining national efforts to generate an effective response.

Trafficking for sexual purposes. The CEDAW Committee (2017) noted that Costa Rica is a country of origin, transit and destination for trafficking for sexual exploitation. Children in Pacific coastal areas and migrant girls are particularly at risk. Lack of updated information hinders efforts to accurately assess the extent of child sex trafficking: 211 victims were identified since 2010-2018, including 43 children; 40 of the identified victims were trafficked to the SEC.

Online Sexual Exploitation (OSEC). The rapid increase in internet connectivity -71.5% in 2017 compared to 39% in 2011- increases the risks of online grooming, sexual harassment, sexual exploitation and distribution of Child Sexual Abuse Material (CSAM) -3 cases reported in 2014 compared to 133 in 2016 (Judicial Investigation Office -OIJ- Criminal Registry). In 2018, the Judicial Police stated that this agency currently handles an average of 10 CSAM-related complaints per month, and that this number could be significantly higher if all suspected cases were duly reported.

Sexual Exploitation in Travel and Tourism (SECTT). EI's Global Study on Sexual Exploitation in Travel and Tourism (2016) identifies domestic tourists as the main perpetrators, followed by North Americans and Europeans, and cab drivers and organized crime networks as facilitators or exploiters who often take victims from disadvantaged local communities to locations-most often private apartments-for tourists or travelers to exploit.

Early and Forced Child Marriage (CEFM): CEFM is mainly expressed in CR not through marriage, but through situations of forced cohabitation involving adolescent girls and boys.

adult men. All of this is fueled by gender mandates - machismo - and poverty. According to UNICEF, 21% of women between the ages of 20 and 24 were in unions before the age of 18, including 7% of those under the age of 15.

2014 UPR Review Update

Following the 2014 UPR of the Czech Republic, the Working Group made 11 recommendations specifically targeting SEC; 12 others related to child trafficking. The recommendations related to trafficking in persons cover four dimensions: legal framework; coordination, implementation and evaluation; prevention; and protection of the rights of child victims.

Progress, challenges and recommendations by dimension

- **Legal framework**

Progress. Significant progress has been made to date. At least four new laws came into force to strengthen the protection of children from CSE. Law 9406, introduced by PANIAMOR and enacted in 2018, banned the marriage of children under 18 and established penalties for adults in cohabiting relationships with partners aged 13 to under 18 (younger ages were already protected). The country welcomes this cutting-edge legislation that resets the rules related to the assessment of sexual consent to the point that the age difference between the parties becomes the sole determining objective criterion.

Challenges. More than a year has passed since the enactment of Act 9406, and there is an urgent need to improve the knowledge and readiness of legal operators to deal with the growing caseload in an informed and sensitive manner. New comprehensive legislation is urgently needed to better protect children from online violence in general, and from online SEC in particular.

Recommendations: Therefore, the Paniamor Foundation and EI would like to request the member states to make the following recommendation to the Government of Costa Rica.

- Commit political will at the highest level and allocate the necessary resources to promote social awareness and effective compliance with Law 9406.
- Article 167 bis of the Penal Code needs to be amended to criminalize online grooming of minors, regardless of the age of the victim.

Progress. The GoC has established two coordinating bodies, at different periods of time:

The National Commission against CSEC (CONACOES, 1996) To date, its main function is the design and monitoring of the implementation of periodic national action plans against CSEC.

The National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONNAT, 2013), In 2016, CONATT initiated the development of a National Policy against Trafficking in Persons with its corresponding National Action Plan. Both instruments are in their final phase of approval while CONATT continues to work based on its *Strategic Work Plan 2012-2015*.

Challenges. CONACOES has been inoperative for more than a year and the country continues with its Sixth National Action Plan against SEC 2017-2018.

Recommendations: Therefore, the Paniamor Foundation and EI would like to request the Member State to make the following recommendation to the Government of Costa Rica.

- Activate and strengthen the role and action of the National Commission against SEC (CONACOES).
- **Prevention** Conduct a comprehensive end-of-cycle evaluation of the Sixth National Action Plan against SEC and adopt a follow-up plan that includes concrete policy measures, mechanisms and targets, as well as a specific budget.

Progress: Ensure continuity in the development and implementation of all the programs and approaches in this direction. The "E-Mentor Certification Model" stands out as a social policy initiative that integrates online child safety as a regular component of the country's flagship program for digital inclusion of underserved families.

Challenges: The Government of the DRC must recognize that its various prevention efforts continue to be undermined by a general lack of awareness and commitment on the part of both institutional operators of the programs and society.

Recommendations: Therefore, the Paniamor Foundation and EI would like to request the Member State to make the following recommendation to the Government of Costa Rica:

- Put in place mechanisms to evaluate the effectiveness of awareness and prevention interventions; and allocate adequate funding to increase social mobilization against all manifestations of SEC, **emphasizing** the need to report these crimes;
- Invest in child empowerment programs that address the root causes and multiple vulnerabilities that put children, families and communities at risk of SEC:

- **Protection of the rights of child victims**

Progress. The National Child Protection Agency -PANI- will launch before the end of 2019 a specialized helpline to address SEC online reports, with the support of UNICEF CR and The Global Partnership

Challenges. The Government of Costa Rica does not operate or plan to operate specialized shelters for child victims of CSEC, which is clearly contrary to vote 2008-15.751 of the Constitutional Chamber of the Supreme Court of Justice of Costa Rica (2008).

Recommendations: The Paniamor Foundation and EI would like to request the Member State to make the following recommendation to the Government of Costa Rica.

- Put in place measures to ensure that child victims of SEC referred to the national protection system can fully exercise their right to properly funded shelters, staffed with well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.);
- Create the necessary legal and administrative mechanisms for victims of SEC

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